

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 Gail Albanese,  
5 Plaintiff  
6 v.  
7 Nancy A. Berryhill, Acting  
8 Commissioner of Social Security,  
9 Defendant

Case No.: 2:16-cv-02350-JAD-VCF

**Order Adopting Report and  
Recommendation, Granting and  
Denying Motions, and  
Dismissing Case**

[ECF Nos. 21, 22, 27]

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11 Gail Albanese appeals from the Commissioner's final decision denying Albanese disability  
12 insurance benefits. Albanese moved for reversal by summary judgment,<sup>1</sup> and the Commissioner  
13 cross-moved to affirm.<sup>2</sup> Magistrate Judge Cam Ferenbach recommends that Albanese's motion be  
14 granted, the Commissioner's cross-motion be denied, and this case be remanded to the  
15 administrative law judge for further proceedings.<sup>3</sup>

16 The report and recommendation was entered June 12, 2017, making June 26, 2017, the  
17 deadline to file an objection. No party has filed an objection to the report and recommendation.  
18 "[N]o review is required of a magistrate judge's report and recommendation unless objections are  
19 filed."<sup>4</sup>

20 Accordingly, with good cause appearing and no reason to delay, IT IS HEREBY ORDERED  
21 that Magistrate Judge Ferenbach's report and recommendation [ECF No. 27] is **ACCEPTED and**  
22 **ADOPTED**; Albanese's motion for summary judgment [ECF No. 21] is **GRANTED**; the

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24 <sup>1</sup> ECF No. 21.

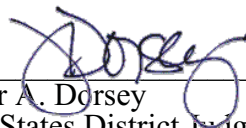
25 <sup>2</sup> ECF No. 22.

26 <sup>3</sup> ECF No. 27.

27 <sup>4</sup> *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S.  
140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 Commissioner's cross-motion to affirm [ECF No. 22] is **DENIED**; and this matter is **REMANDED**  
2 **back to the administrative law judge** for further proceedings consistent with the Report and  
3 Recommendation. The Clerk of Court is directed to enter judgment accordingly and **CLOSE THIS**  
4 **CASE.**

5 DATED June 28, 2017.

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Jennifer A. Dorsey  
United States District Judge  
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